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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/045,521	10/26/2001	Stephen J. Sharp	086402-9020-00	3137

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EXAMINER

LIU, HAN L

ART UNIT	PAPER NUMBER
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3746

DATE MAILED: 07/29/2003

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Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/045,521

Applicant(s)

SHARP ET AL

Examiner

Han Lih Liu

Art Unit

3746

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 11 June 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 23-41 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 35-41 is/are allowed.
- 6) ☒ Claim(s) 23-28 and 34 is/are rejected.
- 7) ☒ Claim(s) 29-33 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 26 October 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_
- 4) ☒ Interview Summary (PTO-413) Paper No(s). 2
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

### **DETAILED ACTION**

1. Receipt is acknowledged of papers submitted for "Response" on 06/11/2003. This amendment cancels claims 1 – 22. Amendment papers have been placed of record in the file. The amended claims are examined in this office action.

#### ***Drawings***

2. The corrected or substitute drawing Fig. 4 was received on 06/11/2003.

The drawings filed on 10/26/2001 and substitute drawing, Fig. 4, are acceptable subject to correction of the informalities indicated on the attached "Notice of Draftperson's Patent Drawing Review," PTO-948. In order to avoid abandonment of this application, correction is required in reply to the Office action. The correction will not be held in abeyance.

#### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claim 23 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 23 recites the limitation "the discharge compartment" in line 11. There is insufficient antecedent basis for this limitation in the claim.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 23 – 28 and 34 rejected under 35 U.S.C. 102(b) as being anticipated by Tsuge (USPN 4492533).

With regard to claim 23, Tsuge discloses in Fig. 1 an air compressor unit comprising: a air compressor (5) and a motor (4); a rotary blower (10) that draws air into the unit and generates an air flow through the unit as shown with arrow in Fig. 1; an air intake port (2) permitting a single initial air flow to enter the unit; a discharge aperture and compartment (3) permitting a single final air flow to exit the unit; multiple compartments (not labeled separately, compartment housing the rotary blower, compressor and motor, and compartment 15, both receive inlet air from 2, better viewed from Fig. 2) within the unit, which an air flow passes, wherein the multiple compartments are arranged in parallel, such that a single initial air flow enters the unit through the intake port, the multiple compartments divide the initial air flow into multiple intermediate air flows, the multiple intermediate air flows converge to the single final air flow, and the final air flow exists the unit through the discharge compartment (3).

With regard to claims 24 – 28 and 34, Tsuge discloses the invention in base claim 1. Furthermore, Tsuge discloses an intake compartment (2), a first compartment (not labeled, housing rotary blower 10, compressor 5 and motor 4), a second compartment (15) and a discharge compartment (3); the initial airflow enters the intake compartment through the air

intake (2); the multiple intermediate air flows include a first airflow passing through the first compartment and discharge compartment, and a second airflow passing through the first, the second and the discharge compartments; the final airflow exists the discharge compartment through the discharge aperture (3); the compressor (5) being in the first compartment; and the compressor (5) is a reciprocating compressor.

*Allowable Subject Matter*

5. Claims 29 – 33 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

6. Claims 35 – 41 are allowed.

*Response to Arguments*

7. Applicant's arguments with respect to claims 1 – 41 have been considered but are not persuasive in view of the new ground(s) of rejection. This amendment is non-final to afford the applicant the opportunity to respond to the new ground of rejection.

*Conclusion*

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure: Lucas et al. (USPN 6447264 B1), Scrivener et al. (USPN 6321557 B1).

Lucas et al. disclose a compressor system having a first compartment for housing relatively quietly operating equipment and a second compartment for housing relatively noisy operating equipment. The second compartment is substantially closed off from the surrounding atmosphere to reduce the amount of noise that can be heard outside the compressor system on account of the noisy equipment operating within the compressor system housing.

Scrivener et al. disclose a noise attenuating apparatus for housing a compressor unit and/or condenser unit. The apparatus comprises a substantially box-shaped outer shell and an inner shell, which houses the unit. The outer shell is formed with a primary air inlet to receive air into the apparatus and a primary air outlet for discharge of spent air from the apparatus. The inner shell includes an inner chamber and is formed with a secondary air inlet to receive air supplied via the primary air inlet means into the inner chamber to supply air to the unit. The space between the inner and outer shells defines a tortuous flow path for the removal of spent air from the apparatus through the primary air outlet means.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Han Lih Liu whose telephone number is 703-305-0860. The examiner can normally be reached on Monday - Thursday 7:30 to 16:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Timothy S. Thorpe can be reached on 703-308-0102. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9302 for regular communications and 703-872-9303 for After Final communications.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 308-0861.

A handwritten signature in cursive script, appearing to read "Han Lieh Liu".

Han Lieh Liu  
July 28, 2003